IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 23187 of 2007(I)

PETITIONER:

HANNA SHERIN.K., MINOR, REPRESENTED BY
FATHER AND GUARDIAN MAMMUKUTTY K.M., AGED 55 YEARS
S/O.KUTTY ALI, ROSE GARDEN, NEAR MES ORPHANAGE,
FAROOK COLLEGE P.O, CALICUT 673632.

BY ADV. SRI.C.A.NAVAS
SRI.SHABEER ALI
SRI.T.K.SASIKUMAR
SRI.SIMI.C.SIVASANKAR

RESPONDENTS:

1. SECRETARY, KERALA PRIVATE MEDICAL
COLLEGE MANAGEMENT ASSOCIATION, P.C.NO.13/1187-2,
VARAMPATH BUILDING, KANNAMMOOLA, MEDICAL COLLEGE
P.O., THIRUVANANTHAPURAM, PIN -695011.

2. THE CONTROLLER OF EXAMINATION, OFFICE
OF THE CONTROLLER OF EXAMINATION KERALA PRIVATE
MEDICAL COLLEGE MANAGEMENT ASSOCIATION
P.C.NO.13/1187-2, VARAMPATH BUILDING, KANNAMMOOLA,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM,
PIN -695011.

BY G.P. SHRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.23187 of 2007

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Dated this the 30th day of July, 2007

J U D G M E N T

The petitioner challenges Ext.P2 proceedings published by the Kerala Private Medical College Management Association in so far as it stipulates minimum 60 per cent marks in the Plus Two examination for becoming eligible to write the entrance examination to be conducted by the Association. The contention of the petitioner is that for entrance examination conducted by the Commission for Entrance Examination, the minimum eligibility criterion is only 50 per cent in science subjects whereas in Ext.P2, prescription is 60 per cent, which cannot be permitted. The petitioner also challenges communication, Ext.P5, wherein the petitioner's application has been rejected on two grounds. The first is that the petitioner has not secured minimum marks required for selection as stipulated in the prospectus and the second is that the bond submitted by the petitioner along with the application is not a notarised one. Regarding the contention against the prescription of minimum 60 per cent in the science

subjects, I am not inclined to countenance the challenge on the simple ground that the petitioner applied fully knowing about the condition. In fact, the Entrance examination was slated to be conducted in June and Ext.P5 was issued to the petitioner only on 4.6.2007. It is only when the Supreme Court permitted the respondents to conduct examination on 5.8.2007, that the petitioner woke up and filed this writ petition. I am not inclined to entertain this writ petition at this late stage, especially since after applying pursuant to the prospectus, the petitioner cannot now challenge the conditions in the prospectus after the application has been rejected. Further, since merit is the criterion for admission, prescription of a higher basic qualification cannot be stated to be arbitrary, especially since the admission is to M.B.B.S. Course. Since I am not inclined to accept the first contention itself, I need not consider the other contention. Accordingly, the writ petition is dismissed.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.